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The Indonesia Human Rights Campaign

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East Timor at the UN Human Rights Commission

The UN Human Rights Commission which met in Geneva from 29 January till 9 March 1990 heard a number of submissions complaining about recent human rights violations in East Timor. The Sub-Commission which met last August had adopted a resolution on East Timor recommending that the Commission "consider at its 46th session the human rights situation and fundamental freedoms in East Timor". Ideally, this meant that the Commission would respond with a resolution on East Timor. In the event, however, this proved impossible. The East Timor solidarity movement needs to consider its strategy at the UN and to take some decisions about our collective efforts within the UN human rights machinery.

East Timor at the UN

The General Assembly has failed since 1982 to take a resolution on East Timor. Neither Indonesia nor Portugal, engaged in intermittent consultations at the UN, is prepared to press for a decision; they are currently discussing the visit of a Portuguese parliamentary mission to East Timor which is unlikely to go ahead. It functions almost as a non-issue serving to keep consultations alive. As one Philippines delegate from New York said: "Indonesia has been very successful at deferring the issue of East Timor to show that the UN can do nothing". One Portuguese delegate privately agreed, saying that, in diplomatic terms, time is on Indonesia's side, that by going along with constant deferment, Portugal is playing into Jakarta's hands.

With little prospect of any move at the General Assembly, the UN Human Rights Commission takes on added importance. The Commission and the Sub-Commission have the additional advantage of allowing NGOs to present submissions on many agenda items and to have free access to government missions at the Commission and expert members of the Sub-Commission. It is a mistake to underestimate the significance of a Commission resolution. A resolution would provide clear evidence of continuing UN involvement; it would provide moral support to our international campaign for East Timor.

The last time the Human Rights Commission adopted a resolution on East Timor was in 1983. Subsequently, a move at the Commission was defeated and in 1988, an attempt to get a resolution adopted at the Sub-Commission was sabotaged by intense Indonesian lobbying and top-level pressure on the capitals of some of the 'independent' experts. In 1989, as the result of persistent lobbying, the presentation of powerful testimonies and the decision to vote on resolutions targeting countries by secret ballot, the Sub-Commission adopted its resolution.

Strategy

Until 1989, the decision on whether to push for a resolution was more or less left to the Portuguese mission. The decision to press ahead for a resolution at the Sub-Commission in August 1989 did not initially have Portuguese backing; they feared a second defeat and argued that this would be a serious setback. After our victory at the Sub-Commission, I drew some conclusions in a Memorandum which I circulated to a number of groups and individuals. (Unfortunately, this Memorandum did not provoke any discussion, except within TAPOL circles.) I argued there that, by leaving it to Portugal to take the lead, we were antagonising many third-world countries who (with strong Indonesian encouragement) see anything coming from Portugal as a neo-colonial move either to restore Portugal's influence in East Timor or score a political point in its dispute with Indonesia. There is not much sympathy for Portugal throughout the third world; the charge that it abandoned East Timor in 1975 has wide currency. I argued further that we need to pursue an independent strategy, concentrating on human rights violations and pressing for a resolution that does not refer to the consultations between Indonesia and Portugal. Even the most moderate resolution would be a serious diplomatic defeat for Indonesia. It seemed to me that this was the way to win greater support, especially among African countries. The only countries that look to Portugal for a lead are the European countries, particularly EC member-states. Were such a strategy to be successful, the Portuguese would be only too pleased. It seems to me that such a strategy has a far greater chance of success than Portugal's negativism.

The change in strategy has become even more vital following a General Assembly resolution in 1989 to enlarge the Commission's membership by an as-yet undefined number of countries. This is a move by third-world countries to increase their own influence in the Commission. In response to the collapse of Soviet-style 'democracies', the western powers have strengthened their global position and countries of the South are seeking ways to exert their collective muscle at the UN more effectively.

Lobbying at the 1990 Commission meeting

It was clear from the start that the Portuguese mission was not happy about anyone tabling a resolution. They were convinced it would be defeated and argued that, having won at the Sub-Commission, it would be a setback to suffer a defeat at the Commission. I agreed that a defeat would be a setback but I nevertheless decided to make an attempt to have a resolution tabled. I saw no reason not to take some initiative to assess possible support. One key consideration was that, if the Commission failed to respond to the Sub-Commission's resolution, it would be more difficult to convince the Sub-Commission next August to do anything further. I kept the Portuguese informed of what I was doing and let them have a copy of the resolution I had drafted for lobbying. I have the impression that they followed my efforts closely, eager to know whether I might not after all succeed.

General conditions for a resolution appeared to be favourable. The incidents in Dili following the Pope's visit and more particularly at the time of Ambassador Monjo's visit provided us with plenty of material. Andrew

McMillan who witnessed the latter event took the trouble to come to Geneva, bringing his photographs; and our friends in Australia thought it worth while to raise the cash for him to make the trip. Besides Andrew, Bruno Kahn from *Agir pour Timor* had obtained accreditation and did some very useful lobbying; also Bill Armstrong of ACFOA was present at the Commission for a week, adding his bit to our collective effort. We had many recent documents to give delegates; moreover, using Liberation, we had submitted a written statement which was accepted as an official UN document and circulated in English, French and Spanish.

However, the crucial thing missing in our team was a Timorese colleague. One only has to be in Geneva for a day or two to realise that all the key issues raised by NGOs are backed by the substantial presence of people from the country in question; this time, there were plenty of Chinese, Tibetans, Sri Lankans, Guatemalans, Kurds and others, losing no opportunity to speak to missions, even if the chances of a resolution appeared to be remote. For the first time in many years, there was no East Timorese refugee at the Commission to testify. Nor did the External Committee in Lisbon consider it necessary to send anyone to help with lobbying, having been told by the Portuguese government that a resolution could not pass. I consider this to be a mistake. Lobbying serves a very useful purpose even if no resolution is tabled. Moreover, several African missions could not understand why no Timorese were present. This absence was even more distressing since, for the first time, the Indonesian mission included a Timorese in their team in the person of Lopes da Cruz who lobbied a number of government missions. I was also given the strong impression from some members of the Portuguese team that they would have liked someone from the External Committee to attend, particularly after the appearance of da Cruz. However, this opinion seems not to have been reflected by the Portuguese Foreign Ministry, in particular Quartin Santos.

The level of concern about East Timor among member and observer states was greater than usual. Speaking for the Twelve, the Irish mission included a good statement on East Timor in its contribution under Item 12, more or less in line with the draft I was using. Canada spoke quite well and even the US and Australia made references to human rights in East Timor. Indonesia was further embarrassed by the 4 executions in Jakarta on 16 February (also regretted by the Twelve), claiming in a 'right of reply' that the time the men had spent in prison was indicative of the thoroughness of Indonesia's judicial procedures!

The most obvious country to sponsor the resolution was Sao Tome, with co-sponsorship from Angola (as an observer, it is allowed to co-sponsor resolutions) and possibly Brazil or Nicaragua. I presented a draft resolution to Sao Tome and when he approved the text, started showing it to some missions, though Sao Tome was still undecided on whether to table it. As the draft is very moderate, most people thought it would be easy to get through. It was difficult to get firm commitments however as people wanted to know who would be tabling the resolution and what Portugal's position was. Some African countries appeared willing to help (Zimbabwe and perhaps Nigeria, for instance) but needed to be approached by Sao Tome. I had the impression however, that both Sao Tome and Angola were discouraged because Portugal was taking such a negative position.

Two days before the deadline for tabling motions under Item 12, Sao Tome discussed the matter with several African delegates. Confusion arose because

for so many years, no move has been made at the General Assembly; the Sao Tome delegate told me that Lusophone countries had failed to get a clear line from the East Timorese on what they are expected to push for at the UN. Each year in New York, he said, before we can even consider raising East Timor at the Fourth Committee, Portugal and Indonesia agree to a postponement, leaving us with no opening for action. He was also unhappy that no Timorese were present in Geneva, except for da Cruz. Just before I left Geneva, he told me he had not abandoned the idea yet as he wanted to sound out Latin American opinion, but I reckoned that by this time, it was already too late to muster enough support around several third-world co-sponsors committed to pushing a resolution through.

One option we did not try this time was to circulate and muster support among NGOs for a joint statement. Several joint statements won wide NGO support and were read out under the appropriate agenda item, in addition to being circulated to delegations in writing. But the process of agreeing a joint statement is time-consuming; it involves rather intensive consultations about the draft to get the support of the 'bingos', as well as persistent lobbying of NGOs to obtain their signatures. (We did circulate a joint statement about the executions and got 16 signatures.)

Conclusions

I do not believe that our efforts were in vain; on the contrary, we helped keep East Timor in people's minds. I should add that for TAPOL, this was quite a strain as I remained in Geneva for three weeks; having decided to initiate the attempt, I felt I could not abandon it halfway through.

For the new strategy to succeed, I propose the following:

1. Lobbying national governments should be intensified. It is remarkable that the Canadian delegation expressed concern about East Timor which I believe reflected the lobbying by PET members of the Canadian parliament.

2. We need to make approaches to some key third-world countries in advance of the meeting, besides lobbying our own governments. This could be done by making visits to some African and Latin American embassies, for example. We need also to lobby the countries of Eastern Europe.

3. It is essential to have a team of people at Geneva working hard on the issue for several weeks. We all make much effort to go to New York for the Decolonisation Committee; in fact, Geneva is no less important and offers wide scope for lobbying.

4. Our Japanese friends should seriously consider sending someone to Geneva next time round.

5. We should press for the presence of someone like Princen, to prove that East Timor is an issue for Indonesia's human rights network.

But above all, we need to discuss and agree firstly that a resolution is worth fighting for, to adopt a strategy, and once this agreed, to devote the necessary resources to the effort.

Carmel Budiardjo,
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